

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

# ALPHONSE GAINER,

Petitioner,

V.

**M. BRECKON, WARDEN USP LEE,**

Respondent.

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Case No. 7:19CV00449

## ORDER

By: James P. Jones  
United States District Judge

No party has filed timely objections to the Report and Recommendation (“Report”) filed September 8, 2020. Accordingly, it is **ORDERED** as follows:

1. The Report, ECF No. 15, and its findings and recommendations are wholly  
ACCEPTED and APPROVED; and
2. The respondent's Motion for Summary Judgment, ECF No. 10, is  
GRANTED.

A separate Judgment will be entered herewith.

DATED: September 30, 2020

/s/ James P. Jones

United States District Judge